



# San Diego City Attorney **MICHAEL J. AGUIRRE**

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## NEWS RELEASE

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### **CITY ATTORNEY SENDS SUNROAD WARNING LETTER THAT CITY WILL ISSUE ABATEMENT ORDER IF SUNROAD PROMISE TO REDUCE BUILDING HEIGHT IS NOT KEPT**

**San Diego, CA:** In a letter to Sunroad Enterprises, City Attorney Michael Aguirre today confirmed receipt of the developer's June 26, 2007 letter stating that the company will comply with the City's June 21, 2007 order to halt construction of its 12-story Centrum 1 building and reduce the height of the high-rise to comply with federal, state and local regulations.

In addition, the City Attorney also informed Sunroad that the City will complete an Abatement Order tomorrow, but that it will not be served unless the City determines that Sunroad has not complied with their pledge to lower the building.

"If Sunroad fails to comply with the terms of the Order, the City will assess administrative penalties in the amount of \$2,500 per day until the building is reduced from 180 to the 160-foot level," said City Attorney Michael Aguirre.

Last night at 9 p.m., Sunroad officials held a news conference across the street from its Centrum 1 building in Kearny Mesa, announcing that it had faxed, earlier in the evening, a letter to the City of San Diego agreeing to comply with the height level mandated by the Federal Aviation Administration (FAA). Immediately following Sunroad's news conference, the City Attorney and Mayor Jerry Sanders met with the news media, at the same location, stating that they both believe the announcement by Sunroad was a positive development in the name of public safety.

"We appreciate Sunroad's willingness to now comply with federal and state law and the Order," said Aguirre. "However, taxpayers will not be saddled with the costs to reduce the height of the building. That responsibility belongs to Sunroad Enterprises because they made the decision to defy the FAA, which had determined in April 2006 that a high-rise above 160-feet would be an air navigation hazard to pilots flying in and out of Montgomery Field Airport."

The City Attorney's letter also challenged several claims made by Sunroad, including that it has no obligation to obey California Department of Transportation (Caltrans) orders because there are no  
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regulations in place. The letter noted Caltrans filed a declaration last month with the San Diego Superior Court under penalty of perjury confirming that the Sunroad tower violates California Public Utilities Code Section 21659(a), and is an airport hazard.

According to Aguirre, from September 14, 2006 – May 8, 2007, Caltrans communicated with Sunroad eight (8) times by letter, leaving no doubt as to Sunroad's legal obligations to obtain a State permit or reduce the height of the building.

In addition, on October 27, 2006 the City issued a Stop Work Notice in connection with the construction of the building, citing both federal and state determinations that the high-rise posed a safety hazard to pilots and the public.

On December 15, 2006, the City of San Diego filed a lawsuit against Sunroad Enterprises to force the company to reduce the height of the building to 160 feet.

On May 15, 2007, the City Attorney's Office released Interim Report #17, A Special Report to the City Council Regarding Sunroad Centrum 12 and Sunroad Residential Development.

To view documents associated with the Sunroad Centrum Building, visit [www.sandiegocityattorney.org](http://www.sandiegocityattorney.org), click *Montgomery Field Airport Safety Issues*.

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